



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of

Confirmation No. 6107

Hiromu SUGINO

Docket No. 2001_0559A

Serial No. 09/831,622

Group Art Unit 1646

Filed May 11, 2001

Examiner Janet L. Andres

NOVEL PROTEIN AND UTILIZATION THEREOF

RESPONSE

Assistant Commissioner for Patents,
Washington, D.C.

Sir:

This is responsive to the Official Action dated March 19, 2003.

The Official Action constitutes a requirement for restriction.

Applicant's elect to prosecute the invention of Group I , claims 1-6, 15-16 and 24, with traverse.

As a representative species, the species of SEQ ID NO: 6 and claim 2 is exemplified.

While the Applicant appreciates the Examiner's reconsideration of the former restriction requirement, the instant restriction is also respectfully submitted to be in error.

The Examiner takes the position that the inventions of Group I to Group V are not linked to form a single general inventive concept. With respect to some inventions, the Applicant agrees. However with respect to other inventions, the Applicant respectfully disagrees.

Unity of invention is present between a protein X and a DNA sequence encoding protein X. See Example 17 of the Administrative Instructions under the PCT, page AI-60. Unity of invention is also present between methods of making protein X, and methods of using protein X.

In the instant application, the Applicant has elected the invention of Group I, claims 1-6, 15-16 and 24. These claims are directed to a protein.

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Claims 7-9 are directed to a DNA encoding the protein according to the elected claims. Accordingly, unity of invention is accepted.

Claims 10-11 are directed to a recombinant vector and transformant including the DNA according to claim 7. Unity of invention is accordingly accepted.

Claim 12 is directed to a method for producing the protein according to the elected claims. Accordingly, unity of invention is accepted.

Claim 19 is directed to a method of use of the protein according to the elected claims. Accordingly, unity of invention is also accepted.

Unity of invention is well accepted between claims 1-12, 15-16, 19 and 24. Accordingly, reconsideration and examination is solicited.

Respectfully submitted,

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